

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAROL ENGEN,

Plaintiff,

v.

MS SERVICES LLC/MOUNTAIN STATES
ADJUSTMENTS,

Defendant.

No. 13-CV-5034-RBL

ORDER

(Dkt. #3)

ORDER ON APPLICATION TO PROCEED *IN FORMA PAUPERIS*

Plaintiff applied to proceed *in forma pauperis* in this suit under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. 1681 *et seq.*, but the Court dismissed the application because it lacked merit. The Court granted leave to amend the application, and Plaintiff has done so. Unfortunately, Plaintiff’s amendment fails to cure the deficiencies. Plaintiff may file suit, but she will have to pay the regular filing fees.

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369

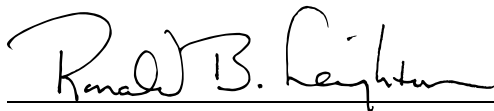
(9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984)).

Plaintiff’s proposed complaint seeks statutory damages of \$1,000 against Defendant for obtaining her credit report without a permissible purpose, violating 15 U.S.C. 1681b. She implies, but fails to allege, the nature of Defendant’s supposed violation, which she apparently believes relates to her credit card account (although this is the Court’s speculation). *See* Pl.’s Application to Proceed *In Forma Pauperis*, Dkt. #3.

CONCLUSION

For the reasons stated above, Plaintiff’s Application to Proceed *In Forma Pauperis* (Dkt. #3) is **DENIED**. Plaintiff has **7 days** to pay the filing fees, or the case will be dismissed.

Dated this 6th day of March 2013.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE